IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 6165 of 2007(H)

PETITIONER:

R.HARIHARAN PILLAI,
SECTION GRADE LECTURER,
DEPARTMENT OF POLITICAL SCIENCE,
SREE KERALA VARMA COLLEGE, THRISSUR.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:
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1. **UNIVERSITY OF CALICUT,**
   REPRESENTED BY ITS REGISTRAR.

2. **STATE OF KERALA, REPRESENTED BY ITS**
   SECRETARY TO GOVERNMENT,
   DEPARTMENT OF HIGHER EDUCATION,
   KERALA GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. **COCHIN DEVASWOM BOARD,**
   REPRESENTED BY ITS SECRETARY, ROUND NORTH,
   THRISSUR.

4. **R.GOPALAKRISHNA PILLAI,**
   SELECTION GRADE LECTURER,
   NOW PRINCIPAL, SREE KERALA VARMA COLLEGE,
   THRISSUR.

BY ADV. SRI.K.GOPALAKRISHNA KURUP,SC,COCHIN D.B
SRI.P.C.SASIDHARAN, SC, CALICUT UNIVERSITY
BY GOVT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007,ALONG WITH WPC 8976/2007, WPC 20465/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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5. However the Principal in his counter affidavit has justified his action. Specific reference is made to Ext.R1(i) letter received from the Commanding Officer of 24 Kerala Battalion NCC empowering the Principal to suspend the petitioner. It is also contended by the Principal that the Commanding Officer of the NCC Battalion concerned, ought to have been made a party in this writ petition.

6. Anyhow I do not propose to go into any of the above questions since learned Standing Counsel for the Cochin Devaswom Board under whose management the institution comes, has submitted before the Court that Ext.P2 memo in W.P.No.20465/2007 will not be implemented . He submits that the said memo may be set aside.

7. The above submission is recorded and Ext.P2 memo is quashed. It is made clear that it will be open to the management to take appropriate action against the petitioner, if so advised, in accordance with the Rules and Regulations governing the field. While doing so, the management shall also keep in view Ext.P1 representation submitted by the petitioner explaining his position.

8. Similarly the management shall also consider all other complaints received against the petitioner from the junior staff including Smt.R.Suseela Menon who has in fact sought her impleadment in the writ petition. In the nature of the order that is being passed, I do not deem it necessary to implead her. It is made clear that if she has got any complaint/grievance against the petitioner, it will be open to her to pursue the same. It is also made clear that the petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter.

9. As far as W.P.6165/07 is concerned, it has to be noticed that Ext.P1 rank list for filling up the two vacancies in the post of Principal was prepared on July 11, 2006. Vacancies were available at that time in Sree Kerala Varma College, Thrissur and Sree Vivekananda College, Kunnamkulam. Petitioner admits that Sri.R.Gopalakrishna Pillai was appointed as Principal in Sree Kerala Varma College, Thrissur pursuant to the said selection. Other vacancy in Sree Vivekananda College, Kunnamkulam was also filled up. Petitioner was placed at sl.no.8 in Ext.P1 list. Even assuming that the said list is valid even now, petitioner cannot get appointment going by his rank position in the list. Ext.P1 shows that the selection was made exclusively for the two colleges referred to earlier. In any view of the matter, there is no merit in the contention raised by the petitioner. Writ Petition is accordingly dismissed.

W.P.(C) 8976/07

10. This writ petition has become infructuous in as much as subsequent to the filing of this writ petition, Ext.P2 memo in W.P.No.20465/07 was issued suspending him from discharging the duties of Associate NCC Officer. The said memo has however been set aside by me for the reasons stated in the earlier part of this judgment. Therefore, W.P.8976/07 is dismissed as infructuous.

The three writ petitions are disposed of in the above terms.

A.K. Basheer
Judge.

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